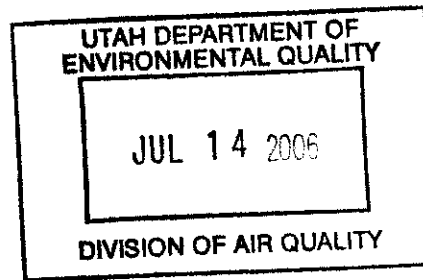




1871 North 1350 West  
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July 13, 2006  
Department of Environmental Quality  
150 N 1950 W  
P.O. Box 144820  
Salt Lake City, Ut 84114-4820

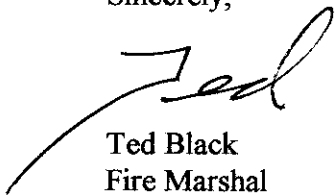
Attn: Rick Sprott

Re: R307-202

Dear Rick:

Please consider this letter a formal request to be put on the agenda of the next DEQ Board meeting Aug 2, 2006. I have three requests of the board: First, I am requesting that the board formally define "horticultural or agricultural operations" as used in R307-202-1 (see attachment). Second I am requesting that the board revise R307-202-5,3,e,i. (See attachment) Third, I am requesting clarification from the board on section 19-2-114 and why rule has been written when the law exempts this activity from rule. (See DEQ pamphlet, "Intentional Burning of Structures for Fire Training")

Sincerely,



Ted Black  
Fire Marshal

cc: File  
Cheryl Heying, DEQ  
Ron Morris, Utah State Fire Marshal

*Section 19-2-114. Burning of Forest Land.*

As provided in Section 19-2-114, the provisions of R307-202 are not applicable to:

- (1) burning incident to horticultural or agricultural operations of:
  - (a) prunings from trees, bushes, and plants; or
  - (b) dead or diseased trees, bushes, and plants, including stubble;
- (2) burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes;
- (3) controlled heating of orchards or other crops to lessen the chances of their being frozen so long as the emissions from this heating do not violate minimum standards set by the board; and
- (4) the controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the United States Weather Service clearing index is above 500.

See also Section 11-7-1(2)(a).

*Section 76-10-803. Open Burning of Forest Land.*

- (1) Open burning is authorized by the issuance of a permit as specified in (3) below when not prohibited by other laws or other officials having jurisdiction, and when a nuisance as defined in Section 76-10-803 is not created.
- (2) Individual permits for the types of burning listed in (3) below may be issued by an authorized local authority under the "clearing index" system approved and coordinated by the Department of Environmental Quality.
- (3) Types of burning for which a permit may be granted are:
  - (a) open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber;
  - (b) open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning;
  - (c) open burning of solid or liquid fuels or structures for removal of hazards or eyesores;
  - (d) open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal;
  - (e) open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities provided that the following conditions have been met:
    - (i) in any area of the state, the local county fire marshal has established a 30-day burn period between March 1 and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30-day burn period, or, in areas which are located outside of Salt

Lake, Davis, Weber, and Utah Counties, the local county fire marshal has established, if allowed by the state forester under Section 65A-8-9, a ~~30-day~~ burn period between September 15 and October 30 for such burning to occur and has notified the executive secretary of the opening burning period prior to the commencement of the ~~30-day~~ burn period;

(ii) such burning occurs during the period established by the local county fire marshal;

(iii) materials to be burned are thoroughly dry;

(iv) no trash, rubbish, tires, or oil are used to start fires or included in the material to be burned.

(4) The Board may grant a permit for types of open burning not specified in (3) above on written application if the Board finds that the burning is not inconsistent with the State Implementation Plan.

An index of 500+ is required before burning can be done. (R307-202-1(4)).

To access the current clearing index, please check the Utah clearing index website at: [www.wrh.noaa.gov/Saltlake/climate/clearingIndex.html](http://www.wrh.noaa.gov/Saltlake/climate/clearingIndex.html) or call the Division of Air Quality at (801) 536-4000.

■ Following the burning of the structure for training, the fugitive dust and dust control requirements of R307-205 and R307-309 apply to the loading of the remaining building debris and to clearing and leveling activities at the site of the structure.

■ The Statewide rule R307-205 requires dust control when clearing land over ¼ acre in size.

■ The NonAttainment Area Dust Control Rule R307-309 requires the submission of a dust control plan to the Executive Secretary for any activity which has the potential to produce fugitive dust. (NonAttainment Area includes: Utah, Salt Lake, Davis Counties, Ogden City.)

■ The Division of Air Quality also recommends that before intentional burning notification of nearby residents be made to alleviate any undue concerns. This will allow the residents to close windows, and make arrangements to leave the area, especially those who are sensitive to smoke and dust, those who have asthma, or those with respiratory or heart problems.

## Questions?

Contact the Utah Division of Air Quality at: (801) 536-4000 for asbestos inspector and contractor lists, forms, and information about rules, or see our web page:

<http://www.deq.state.ut.us/eqair/haps/asbestos/index.htm>

## Intentional Burning of Structures for Fire Training

Utah Division of Air Quality



150 North 1950 West  
PO Box 144820  
Salt Lake City, Utah 84114-4820

Phone (801) 536-4000

Fax (801) 536-4099

Intentional burning of structures for fire training is allowed by the Division of Air Quality, however there are certain Air Quality regulations that apply.

The burning of two structures per year by organized and operating fire departments for the purpose of training fire service personnel are exempt from the General Burning requirements contained in the Utah Administrative Code (UAC) R307-202, but other regulations still apply.(UAC R307-202-1)

## **Requirements Prior to Intentional Burning**

### **Asbestos**

Asbestos is known for its unique properties of being resistant to abrasion, inert to acid and alkaline solutions, and stable at high temperatures. Because of these attributes, asbestos was widely used in construction and industry.

When Asbestos Containing Material (ACM) is damaged or disturbed, as in burning, it releases fibers into the air.

Once inhaled, the small, inert asbestos fibers can easily penetrate the body's defenses. They are deposited and retained in the airways and tissues of the lungs and cause lung scarring and lung cancer.

### **Asbestos requirements**

- Inspect the structure for the presence of asbestos-containing materials (ACM) (40 CFR 61.145(a) and UAC R307-801-9))

- The inspection must be conducted by a Utah certified asbestos inspector (UAC R307-801-10)

- An inspection survey report must be generated (UAC R308-10(6))

- The inspection survey report must remain on site throughout the demolition (UAC R307-801-9).

- All asbestos-containing materials must be removed prior to intentionally burning a structure. This includes asbestos-containing materials that can remain in place during normal demolition operations (40 CFR 61.145(c)(3)(B)(10) and UAC R307-801-11(1)(d)).

This includes: asbestos containing insulation, duct tape, textured ceilings, and resilient floor coverings, roofing materials, packings, gaskets, etc., asbestos-cement shingles, and siding.

Removal of Regulated ACM must be performed by a Utah certified asbestos contractor and certified asbestos workers (UAC R307-801) This information is available on the Asbestos website at: [www.deq.state.ut.us/eqair/haps/asbestos/index.htm](http://www.deq.state.ut.us/eqair/haps/asbestos/index.htm)

- A notification must be submitted to the Executive Secretary of the Utah Air Quality Board 10 working-days prior to demolishing the structure (40 CFR 61.145(b) and UAC R307-801-11).

- If the preparation of the structure for burning requires the removal of greater than 160 square feet of ACM or 260 linear feet of ACM pipe insulation, notification is required 10 working days prior to removing the ACM (40 CFR 61.145(b) and UAC R307-801-11).

- If there are less than 160 square feet or 260 linear feet of ACM in the structure, then notification of asbestos removal is required 24 hours prior to removing the ACM. (UAC R307-801-11(1)(b)).

- The burning of structures for fire training is an institutional use of the structure and falls under the commercial notification fees established for the Department of Environmental Quality.

**Prior to burning, it is required that you check the Utah Clearing Index**

The Clearing Index is an Air Quality/Smoke Dispersal Index used to regulate open burning and as input for other air quality decisions throughout Utah. The Clearing Index is defined as the Mixing Depth (depth of the mixed layer in 100s of feet above ground level) multiplied by the Transport Wind (average wind in the mixed layer in knots). Clearing Index values below 500 are considered poor ventilation and open burning is restricted under these conditions.